

Evaluation of international and regional influences on changes in national death penalty policy: The case of the 2015 Penal Code reform in Vietnam

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国際的および地域的狀況が国家の死刑政策の変更に及ぼす影響について
— ベトナムにおける 2015 年の刑法典改正の場合 —

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Abstract

The death penalty is one of the most controversial issues, but factors influencing changes in a nation's death penalty policy have not received sufficient attention. This study sought to evaluate the role of external and internal determinants in framing the death penalty policy of Vietnam. This paper argues that international factors played a crucial role in influencing Vietnam to restrict the scope of capital punishment, while regional factors played a limited role. However, the power to decide the death penalty policy seems likely to remain a national prerogative. The most powerful influence on the national policy is the decision-making authority; in this case, the Vietnamese Communist Party. Accordingly, this paper suggests that the dominant factor in framing a state's death penalty policy is political leadership. However, the perspective of political elite leaders on this issue may be changed by external factors.

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1. Introduction

1.1 Background

The death penalty, by definition, is a legal action implemented to put offenders to death for their crimes (Bedau 2012). Since it results in the death of the accused, this kind of punishment is considered “the ultimate corporal sanction” (Miethe & Lu 2004, p.37). Not surprisingly, it is the most politically controversial form of punishment, and the debates about capital punishment have been as much discontinuous as continuous over the past century (Neumayer 2008; Steiker & Steiker 2010). Consequently, the literature on capital punishment is abundant and the bulk of it focuses on arguments either for or against the use of this punishment (Bedau 1997; Bedau & Cassell 2004; Pojman & Reiman 1998; Van den Haag & Conrad 1983). In the new century, with a significant increase in the number of abolitionist countries, scholars tend to concentrate on explaining the core reasons for nations to retain, remove or restore the death penalty (Hodgkinson & Schabas 2004). Anckar (2004), Hood & Hoyle (2009), McGann & Sandholtz (2012), and Neumayer (2008) used quantitative cross-national analysis to test the global trend in the abolition of the death penalty and concluded that democracy, democratization, and international as well as regional pressure were dynamics that fostered countries to abolish this punishment.

However, in cases in which nations only restrict the scope of the death penalty rather than abolish it, what are the factors that caused this decision? Few analyses focus on this phenomenon and most of them concentrate on the case of China (Hood 2009; Hood & Deva 2013; Scott 2010). Other nations rarely receive attention. To address the dearth of knowledge, this article chose Vietnam as a case study for the following reasons. First, Vietnam is considered an aggressive country in its use of the death penalty (Amnesty International 2019). However, in its newest Penal Code reform, Vietnam decided to reduce the number of crimes eligible for the death penalty from 22 to 18 crimes (Luong 2021; Nguyen, Nguyen, & Nguyen 2019). Second, scholars have not paid enough attention to the death penalty in Vietnam, and those that have “do not escape several understandable shortcomings” (Tran & Vu 2019). Third, examining the case of Vietnam can contribute to the existing literature on evaluating the effectiveness of external factors on the framing and implementation of a nation’s death penalty policy.

1.2 Purpose of the study

This article aims to analyze factors that have led to changes in the Vietnamese death penalty policy reflecting in the 2015 Penal Code. It evaluates the role of international and regional influences on the Vietnamese death penalty policy as well as the important degree of domestic factors in this issue. This article argues that changes in the Vietnamese death penalty policy emerged as a result of international factors as seen from the perspective of the Vietnamese elite leadership, namely the Vietnamese Communist Party (VCP). However, the impact of regional influences on the Vietnamese death penalty policy is subtle. Thus, it can be said that the influence of international factors ushered in a change in the VCP’s perspective regarding the death penalty, which helped narrow the scope of capital punishment in Vietnam.

1.3 Methodology and organization

This article combined doctrinal legal research and qualitative methodology to identify the changes in Vietnamese legislation related to the death penalty and to evaluate the role of the influencing factors. Doctrinal legal research is considered a method to systematically examine problems of the law within an appropriate framework (Gawas 2017; Hutchinson & Duncan 2012). Hence, this method was applied to the provisions relating to the right to life under international law and the regulations concerning the death penalty in the Vietnamese Penal Code, to clarify the changes in Vietnamese death penalty policy toward being more compatible with international standards. Secondary data from law books, law articles, journals, and newspapers produced by both domestic and foreign scholars related to the death penalty issue in Vietnam, as well as research demonstrating the perspective of the Vietnamese government on capital punishment, were collected to identify factors affecting these changes.

The existing sources of evidence are complemented by the views of Vietnamese officials involved in prosecution and adjudication, and policymakers, all of whom were interviewed by the author between 2018 and 2020. Semi-structured interviews that lasted 15-20 minutes each were conducted using open-ended questions. The researcher contacted eight Vietnamese officials to participate in the interviews, and six agreed to become respondents (see Table 1). According to Decision No.01/2004/QĐ-TTg dated January 5, 2004, "Reports, statistics related to the death penalty and closed trials without public announcements" were listed as "highly official secret level". Thus, the death penalty became a sensitive issue, which meant Vietnamese scholars were reluctant to share their findings without official permission from the authorities. Consequently, permission was not granted to record the interviews, only notes were taken, and anonymity of participants was guaranteed. The interview transcripts were translated from Vietnamese to English by a professional translator and screened for accuracy by the researcher.

Data collected from interviews were analyzed by thematic analysis that "not only assists researchers in identifying and describing patterns (themes) of each case study, but also allows them to use these themes to analyze interview data" (Joffe & Yardley 2004, p.57). In this study, the researcher used an inductive thematic analysis approach to identify the role of factors in influencing changes to the death penalty policy in Vietnam based on respondents' personal opinions. The three main themes clarified were international, regional, and domestic factors. Within each theme, two or three sub-themes were identified. For international factors, the sub-themes were 'global abolitionist trend', 'the human rights to life stipulated in treaty-based regimes', and 'the actions of international organizations'; for regional factors, the sub-themes were 'role model states' and 'regional organizations'; and for domestic factors, the sub-themes were 'socioeconomic factors' and 'political leadership'.

The paper is divided into three sections. The first section introduces the changes of the death penalty's provisions in the 2015 Penal Code compared with the previous version. The second analyzes the factors that have led to these changes and evaluates the determinant factors. The last section presents concluding remarks.

Table 1: Interviewee Details

Number	Year of birth	Gender	Rank	Organization	Method of interview
1	1969	Male	Senior Prosecutor	The Supreme People's Procuracy of Vietnam	Face to face
2	1965	Male	Senior Prosecutor	The People's Procuracy of Tien Giang Province	Face to face
3	Not provided	Male	Senior Prosecutor	The People's Procuracy of An Giang Province	Face to face
4	1964	Male	Senior Judge	The Supreme People's Court	Face to face
5	1969	Female	Senior Prosecutor	The Supreme People's Procuracy of Vietnam	Online Via Facetime
6	Not provided	Male	Official	Judicial Committee of the National Assembly of Vietnam	Online Via Facetime

2. Vietnam's legislation on the death penalty

On October 27, 2015, the National Assembly of the Socialist Republic of Vietnam passed the 2015 Penal Code comprising 26 chapters and 426 provisions. Regarding the death penalty, the 2015 Penal Code contained significant differences compared with the previous version.

First, the 2015 Penal Code narrowed the scope of capital crimes for only three groups: infringement of national security and human life, drug and corruption-related crimes, and other extremely serious crimes defined under the Code, instead of particularly serious crimes as in the previous version.

Second, the 2015 Penal Code reduced the number of capital crimes. Under the 1999 Penal Code, 22 crimes were subject to the death penalty, accounting for 8.09% of the 272 crimes listed. In the 2015 Penal Code, only 18 (5.73%) out of 314 crimes were eligible for capital punishment.

Third, the 2015 Penal Code expanded the category for the subjects not applicable to the death penalty and circumstances of non-execution. In the 1999 Penal Code, juvenile offenders, pregnant women, and women nursing children aged under 36 months would not be sentenced to death, and pregnant women and women nursing children under 36 months of age would not be executed. In the 2015 Penal Code, not only these groups but also persons aged over 75 years when the crime was committed or at the time of trial would not be given death sentences. In addition, persons aged 75 years and over and persons sentenced to death for embezzlement or taking a bribe, who after being sentenced, returned at least three-quarters of the property so embezzled or bribes so taken and cooperated closely with the authorities in the detection, investigation, and/or handling of the crime, would not be executed (Nguyen, Nguyen, & Nguyen 2019). For these cases, the death penalty would be converted to life imprisonment.

These changes suggest a progressive endeavor in Vietnam to align with the global trend of abolishing the death penalty. The next section discusses the factors that motivated Vietnam to reduce the scope of applicability of the death penalty in its criminal system.

3. Factors influencing the Vietnamese death penalty policy

This section addresses the factors that influenced the Vietnamese death penalty policy. First, some of the influences of the international community are examined. Second, regional influences, both from regional organizations and other Asian nations, are discussed. Third, national-level factors that shaped changes in the Vietnamese death penalty policy are explored. The power to determine the death penalty policy seems likely to remain a national prerogative. The most powerful influence on the national policy is the decision-making authority, in this case, the VCP. However, changes in the VCP's perspective on the death penalty issue were the result of international influences. Thus, the role of international factors in shaping the death penalty policy in Vietnam is crucial. Regional dynamics have a limited influence in this field.

3.1 International influences

International factors play a crucial role in encouraging Vietnam to restrict the scope of capital punishment. Three factors in the broader community of nations influenced change in the Vietnamese death penalty policy: (1) the global abolitionist trend; (2) the human right to life stipulated in treaty-based regimes; and (3) the actions of international organizations.

3.1.1 The global abolitionist trend

As Peter Hodgkinson and William Schabas stated that “there is no dispute about the existence of an inexorable trend towards the elimination of capital punishment in national judicial systems during the twentieth century” (Hodgkinson & Schabas 2004, p.1). The number of abolitionist countries increased dramatically after World War II. Consequently, the intensity of international concern regarding the application of the death penalty in retentionist nations also increased. With the rising trajectory of global abolition, “there will be added pressure on executing nations in Asia to join the trend” (Johnson & Zimring 2009, p.332). Vietnam is no exception. Case-specific criticisms of capital punishment from abolitionist countries will take place when citizens of these countries are subject to the capital process (Johnson & Zimring 2009). For example, when Vietnam executed Canadian citizen Nguyen Thi Hiep by firing squad in 1999 despite persistent protests from Canadian officials, a major diplomatic rift ensued between the two nations (Freed 2000). In the context of international integration, Vietnam's death penalty stance created an obstacle for the country in securing cooperation from abolitionist countries for crime prevention and extradition, as these nations refused to oblige extradition requests for offenders wanted for trial in Vietnam (Hood & Hoyle 2008; Johnson & Zimring 2009). Regarding this factor, one senior prosecutor stated that “the increasing number of abolitionist countries is an important aspect which Vietnam had to consider when designing death penalty provisions” (Interview 2).

3.1.2 Human rights stipulated in treaty-based regimes

The most significant factor that influenced Vietnam to limit the scope of capital punishment was the emergence of treaty-based regimes that guaranteed the right to life. The right to life was initially proclaimed in the *Universal Declaration of Human Rights (UDHR)*, adopted by the United Nations General Assembly on December 10, 1948. Although the right to life is only expressed implicitly, this Declaration can be considered a cornerstone for all ensuing international instruments addressing human rights and essential freedoms (Schabas 2002). The application and abolition of capital punishment have been stipulated directly in two international treaties. *The International Covenant on Civil and Political Rights (ICCPR)* was the first international human rights instrument to appeal to nations to limit the application of capital punishment (Nguyen, Nguyen, & Nguyen 2019). Although no provisions prohibited State Parties from imposing capital punishment, Article 6 of the ICCPR endorsed the right to life as a right protected by law and determined specific conditions under which the death penalty could be applied in retentionist countries (Hood & Hoyle 2008). The *Second Optional Protocol to the International Covenant on Civil and Political Rights* is a multilateral treaty that creates an international norm calling for the abolition of the death penalty (Schabas 2002). There is substantial acceptance in international jurisprudence that capital punishment is a form of violent, inhumane, and disgraceful punishment that fails to respect the sanctity of human life (Galappaththige 2018). Vietnam ratified the ICCPR on September 24, 1982 (United Nations High Commissioner for Human Rights 2020). Reducing the scope of capital punishment, in Vietnam's view, is an important international obligation of the international treaties that it has ratified. As stated by one senior prosecutor: "Although the use of the death penalty in Vietnam is not entirely contrary to international law or tantamount to human rights violations, Vietnam had to restrict the scope of this punishment for harmony between international standards and domestic legislation" (Interview 1).

3.1.3 The actions of international organizations

International organizations "play an important role in promoting the abolition of the death penalty through resolutions, treaties, and other initiatives" (Schabas 1998, p.543). They present a new dynamic that produces changes in the movement calling for abolition of capital punishment (Hood & Hoyle 2009). The United Nations (UN) has undertaken many initiatives to support the global trend of abolishing the death penalty (United Nations High Commissioner for Human Rights 2012). Since 1977, a series of resolutions that called for a moratorium on the enforcement of capital punishment has been adopted by the UN General Assembly. Vietnam voted "abstained" rather than "opposed" during the General Assembly Resolution in December 2007 that called for a worldwide moratorium on the death penalty with a view toward complete abolishment (United Nations 2007). This can be considered evidence of the international influence on the Vietnamese attitude toward the death penalty. In addition, the European Union (EU) with its pro-human rights policy has been considered a privileged partner of the UN and a normative power (Manners 2008; Whitman

2011). Regarding the case of Vietnam, the EU “has penetrated domestic debate involving the press, academics, and NGOs, and indirectly steered a reform process that has led to the reduction of the number of capital crimes” (Sicurelli 2017, p.740). In addition, other non-governmental organizations such as Amnesty International or Human Rights Watch have played a crucial role in defining the death penalty as a human rights issue and in lobbying for its abolition worldwide (Hood & Hoyle 2009; Neumayer 2008). Treating capital punishment as a violation of human rights, these NGOs lobby for the legitimization of pro-abolition systems and seek to influence governments to abolish the death penalty (Kim 2016). On the one hand, they put pressure on national governments from above (internationally) and below (domestically) (Brysk 1993, 2000). On the other hand, they export global cultural ideals and models to domestic contexts (Thomas, Meyer, Ramirez, & Boli 1987). Concerning Vietnam, Amnesty International not only criticized specific cases, such as a campaign to urge commutation of the death sentences imposed on ten condemned prisoners (Amnesty International 2000) but also recommended that Vietnam give serious consideration to the possibility of abolishing the death penalty altogether (Amnesty International 1981).

It is therefore fair to say that international factors have had a profound, even decisive impact, on Vietnam’s actions to reduce the scope of the death penalty.

3.2 Regional influences

Regional influences have the weakest impact on the Vietnamese death penalty policy. The fragile connection between regional influences and Vietnam’s stance is the result of two factors: (1) the lack of role model states with the capacity to strongly influence the death penalty policy of other countries in the region, and (2) the lack of pecuniary incentives from regional organizations for countries to abolish capital punishment.

3.2.1 Role model states

The formal abolition of the death penalty by a government with leadership status in the region could create substantial shifts in the regional ecology of capital punishment; however, only a small number of Asian nations are credible candidates for this status (Johnson & Zimring 2009). Japan, with high levels of development, and China, a rising economic and military power, are obvious candidates for leadership status in Asia (Johnson & Zimring 2009; Shambaugh 2006). However, Japan “now remains the only democratic and developed country other than the US to retain the death penalty under law and practice” and China is among the countries that enforce the death penalty to the greatest extent (Anckar 2004; Sato 2013, p.21). In addition, the significant political differences between the systems of Japan and China also inhibit the willingness to cede some autonomy to transnational entities (Emmott 2008). Hence, the absence of an Asian nation that combines leadership status with a commitment to abolish the death penalty remains a challenge in the region. Consequently, Asia “has made the least progress in terms of abolitionist practice” (Schabas 2002, p.15).

3.2.2 Regional organizations

In other parts of the world, regional organizations play a major role in promoting the abolition of the death penalty. In Europe, when the crusade against capital punishment began, the Council of Europe and the EU were particularly trenchant in their opposition to the death penalty (Hood & Hoyle 2008). The European Parliament endorsed a resolution calling for the complete abolition of capital punishment in the European Community (Behrmann & Yorke 2013). Indeed, the abolition of the death penalty is a requirement to join the European Union, and thus, an opportunity to gain substantial economic benefit (Johnson & Zimring 2009). The situation is different in Asia. Although the Asian Human Rights Charter adopted in 1998 declares that “all states must abolish the death penalty”, this Charter is described as a “people’s charter” because no governmental charter has been issued to date (United for Human Rights 2020). On November 18, 2012, the “ASEAN Human Rights Charter” was adopted but its provisions fell below the global standards of human rights law; thus, this document was considered a big failure and stumbling block for human rights in the region (Asian Forum for Human Rights and Development 2012). Moreover, the ASEAN is also characterized by a high degree of cultural, political, and social diversity, as well as heterogeneity, and its member states adhere to the principle of “non-interference” (Häusler et al. 2015). More important, 5 out of 10 ASEAN members continue to include the death penalty in their jurisdictions (Indonesia, Malaysia, Thailand, Singapore, and Vietnam). Based on the idea that governments commit to and comply with legal obligations if other countries in their region do so (Simmons 2000), it appears that “generating a substantive stance against capital punishment seems highly unlikely” (Johnson & Zimring 2009, p.341). Thus, it is not daring to conclude that regional organizations in Asia do not play a crucial role in fostering nations to reform their domestic laws toward abolishing or restricting the use of capital punishment. This is because there is no possibility for member states to share tangible benefits as with the corresponding system in Europe.

3.3 Domestic factors

The VCP’s perspective is a determinant factor in changing the Vietnamese death penalty policy. Global or regional changes influence the Vietnamese government’s attitudes toward the death penalty policy, but the national elite, that is, the VCP, still maintain control over the stance. This section discusses the role of socioeconomic factors in reducing the number of instances where the death penalty is implemented in Vietnam. Following this, the degree of importance of political leadership in shaping the changes in the death penalty policy is discussed.

3.3.1 Socioeconomic factors

Although “there is indeed a strong association between socioeconomic indicators and the use of the death penalty,” this does not mean that we could find “a corresponding link between socioeconomic development and capital punishment” (Anckar 2004, pp.43-44). The evidence is that highly developed nations such as the United States or Japan continue to make use of the death

penalty. In the case of Vietnam, Johnson and Zimring (2009, p.352) stated that “Vietnam is less vulnerable to political reform because it is less prosperous”. The GDP of Vietnam improved from 106.015 billion USD in 2009 to 193.241 billion USD in 2015, and the GNI per capita also rose from 1,010 USD to 1,970 USD during this period (World Bank 2020). Mass media also participated more in governmental policymaking. However, in the view of Vietnamese officials, these are not the main reasons for the gradual limitation of capital punishment in Vietnam. Instead, this limitation is believed to be related to a legal issue. As stated by a senior prosecutor and a senior judge from Vietnam “the development of the economy was not really the reason for reducing the scope of the death penalty in Vietnam” (Interview 3), and “crimes such as high treason; carrying out activities aimed at overthrowing the people’s administration; rebellion; banditry; destruction of work, facility, and equipment important for national security; insubordination; and surrendering to the enemy were deleted from the death punishment category because it was rarely applied in reality” (Interview 4). Arguments from domestic scholars support this explanation. Most Vietnamese criminologists only called for the removal of crimes punishable by death that had not been applied in reality for a long time (Le & Nguyen 2014; Pham 2015; Trinh 2012; Truong 2014). Hence, it can be concluded that socioeconomic factors have a limited influence on changes to Vietnam’s death penalty policy.

3.3.2 Political leadership

Carsten Anckar stated that “in non-democracies, decisions are made by a limited number of persons; indeed, in many cases, by one single individual. In these systems, the choice to either forbid or make use of the death penalty is thus made within a narrow circle” (Anckar 2004, p.58). This conclusion is true for Vietnam which is a one-party political system. According to Article 4 of the 2013 Constitution of the Social Republic of Vietnam, the VCP is the sole leading force of the state and society. It is the sole decision-maker for all critical issues and policies of the state, taking the lead on resolutions, policies, and directives. The Party’s perspectives and policies are institutionalized by the state, which transforms them into law. The Party’s resolutions are practiced in reality by all government agencies (Vo 2016). Consequently, the orientation of capital punishment in Vietnam is based on the VCP’s attitude. In Resolution No. 49-NQ/TW (2005) of the Politburo Committee on the “Strategy for reforming the judicial system of Vietnam to 2010,” the VCP stated that one of the goals of the judicial reforms, namely “limiting the application of the death penalty only applies to a handful of particularly serious crimes.” Following this perspective, the Ministry of Justice began drafting the new Penal Code. Talking about the role of the VCP in the decision to restrict the scope of capital punishment in Vietnam, all respondents stated that this change reflected the VCP perspectives on this issue and no actors have the power to decide this task but the VCP itself (Interview 1, 2, 3, 4, 5, 6).

Why did the VCP make this decision? In other words, what factors influenced the view of the VCP on the death penalty issue? As previously analyzed, global factors had a great impact, while regional factors played a limited role in encouraging Vietnam to change its death penalty policy.

Due to pressures from the international community, the VCP realized that without reducing the scope of death penalty applicability, Vietnam would face criticism. For instance, in the past ten years (2009–2019) Vietnam has received at least 46 out of 611 recommendations from other nations, the UN's Human Rights Council, and other civil society organizations to reduce and abolish capital punishment (United Nations General Assembly 2009, 2014, 2019). The VCP also recognized that reforming its criminal system by limiting the scope of the death penalty is an obligation under the international treaties it has signed, especially the ICCPR (Dao 2020; Nguyen 2020). Hence, Directive No. 44-CT/TW of the Secretariat of the 10th Party Central Committee on "Human rights work in the new situation" dated July 20, 2010, affirmed the consistent perspective of respecting and promoting human rights and denounced incorrect viewpoints and disinformation on human rights in Vietnam. Furthermore, as stated by two senior prosecutors and one official of the Judicial Committee of the National Assembly of Vietnam, the limitation of the death penalty could help the VCP decrease chances for anti-forces of the Communist Party to criticize and oppose the Party's domestic leadership (Interview 2, 5, 6).

However, the conundrum is, why did the VCP decide to only reduce the scope of the death penalty instead of totally abolishing it? To answer this question, it is essential to understand what benefits and costs the VCP considered while establishing the death penalty policy. One way to frame this issue is in terms of cost and benefit. A crucial element must be answered to do so: what are the material incentives for Vietnam to abolish or reduce the death penalty in its criminal justice system? As previously mentioned, in sharp contrast with the situation in Europe where abolition is a requirement to join the EU, and thus, an opportunity to gain substantial economic benefit, there is no pecuniary incentive for Asian countries, including Vietnam, to join this abolitionist trend. In Vietnam, like in other authoritarian states, "an operational death penalty may also function as an insurance policy against political instability and future threats to the regime" while "in contests between government goals and individual claims, the former are invariably favored" (Johnson & Zimring 2009, pp.346-351). The benefit Vietnam could receive by limiting the death penalty would be to "increase the reputation and image of Vietnam in the international community" and "show that Vietnam respects the core and common value of the concept of international human rights" as explained by one senior prosecutor (Interview 2). Thus, in cost-benefit terms, Vietnam did not completely reject the death penalty in the 2015 Penal Code because there was no material incentive. Under this circumstance, pressure from international factors alone is probably not a sufficient condition for the complete abolition of the death penalty, though it certainly helped lead Vietnam to reduce the scope of the death penalty in its criminal system.

4. Concluding remarks

There has been little doubt that capital punishment is one of the most controversial issues among scholars. The core reasons that a state would retain, remove, or restrict this punishment are regulated by many factors. The present study addressed a small part of this complex subject

by using the case study of Vietnam. We found that (i) international factors played a crucial role in encouraging Vietnam to limit the scope of the death penalty in its Penal Code reform; (ii) contrary to other regions of the world, factors within Asia provided limited support for Vietnam in changing its death penalty policy; (iii) among domestic factors, political leadership, in this case the perspective of the VCP, is the most fundamental dynamic in reducing the scope of the death penalty in Vietnam; however, this change in the VCP's view is the result of international pressure. These findings are consistent with those of Anckar (2004), Hood & Hoyle (2009), McGann & Sandholtz (2012), and Neumayer (2008), given the importance of global factors in all studies. Nevertheless, at the regional level, the connection was fragile between influences from Asia and changes in the Vietnamese death penalty. This indicated that the role of regional factors in framing death penalty policy differs from region to region. These factors may be crucial in Europe but meager in Asia. Moreover, the present study also indicates that political leadership is the decision-maker on this issue particularly in a single-party dominant country like Vietnam. However, the perspective of political elite leaders on this issue may be changed by influences from international and regional factors. The finding that both external and internal factors are important in framing a state's death penalty policy is valuable in promoting change in domestic legislation reform toward compatibility with international standards. The association between global factors and the reduction in the scope of capital punishment in Vietnam suggests that increasing the intensity of international pressure may encourage states to restrict the scope of the death penalty. In addition, the weak role of regional factors combined with Vietnam's firm stance in retaining the death penalty shows a demand for creating a regional pecuniary benefit system to encourage states' willingness to reform the death penalty policy.

The present findings must be interpreted in the context of a number of potential limitations. An important strength of this study is that the results are derived from the view of high position leaders in Vietnam. It helps to clarify the perspective of Vietnamese elite leaders in considering the role of external and internal factors when reforming provisions related to the death penalty in the Penal Code. However, the sample size (the number of interviews) in this study was relatively modest, which limited the ability to examine other factors such as public opinion or culture. In conclusion, these data indicate that the dominant factor in framing the death penalty policy of a state is political leadership. In addition, there is a strong association between international factors and the limitation of the scope of capital punishment in a country. These data also suggest that the perspective of political elite leaders on this issue may be changed by influences from international factors.

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